

ANTI-SOCIAL BEHAVIOR CRIME AND POLICING ACT 2014
SECTION 59

PUBLIC SPACES PROTECTION ORDER 2023

City of Bristol (Dog Control) Public Space Protection Order 2023

BRISTOL CITY COUNCIL (the Council) in exercise of its powers under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, including being satisfied that the anti-social behaviour arising from people who fail to clean up after their dogs on publicly accessible land and where dogs are not properly supervised and kept under control, has had a detrimental effect on the quality of life of those in the locality, makes the following order:

Part 1- Dogs on Leads

1. A person in charge of a dog shall be guilty of an offence, if at any time and on any land to which this Order applies, does not keep the dog on a lead, unless-
 - a. They have a reasonable excuse for failing to do so; or
 - b. The owner, occupier or other person of authority having control of that land has consented (generally or specifically) to his failing to do so.
2. A person in charge of a dog shall be guilty of an offence, if at any time and on any land to which this Order applies, does not comply with a direction given to them by an authorised officer of the Council to put and keep a dog on the lead, unless-
 - a. They have a reasonable excuse for failing to do so; or
 - b. The owner, occupier or other person of authority having control of that land has consented (generally or specifically) to his failing to do so.
3. For these purposes, a 'lead' means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person's close control.

Part 2- Dog Fouling

4. If a dog defecates at any time on land to which this part of the order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless-
 - a. They have a reasonable excuse for failing to do so; or
 - b. The owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

5. For the purpose of this part of the order:
 - a. Placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - b. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;

Part 3- Dog Exclusions

6. A person in charge of a dog will be guilty of an offence if at any time they take the dog into, or permit the dog to enter or remain on, any land to which this part of the Order applies, unless they can show that:-
 - a. They have a reasonable excuse for doing so; or
 - b. The owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.
7. This part of the Order applies to all enclosed Children's Play Areas in the city and county of Bristol that are open to the air.
8. For the purposes of this part of the Order:-
 - a. A 'Children's Play Area' is an area that is set aside for children to play in and contains children's play equipment such as a slide, swings, seesaw, climbing frame or other similar play apparatus.
 - b. A Children's Play Area is 'enclosed' if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the play area.
 - c. Land which is covered is to be treated as land which is 'open to the air' if it is open on at least one side.
9. This part of the Order applies to South Street Playing Field. See map in Schedule attached to this Order
10. The Dog Fouling provisions in this order do not apply to the following persons:
 - a. Partially sighted
 - b. Sight impaired .
 - c. Disability affecting mobility
 - d. Any other disability
11. The Dog Exclusion provisions in this Order do not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.
12. For the purpose of this Order, a 'disability' means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a 'disabled person' means a person who has such a disability.

Exemptions for Working Dogs

13. Nothing in this order shall apply to the normal activities of a working dog, whilst the dog is working.

Other Matters

14. This Order applies to all land within the city and county of Bristol which is open to the air, including covered land which is open on at least one side, and to which the public are entitled and permitted to have access (with or without payment) and as specified in the Schedule attached to this Order
15. For the purposes of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
16. Where the person in charge of a dog wishes to rely upon any of the exemptions set out in this order, the burden will be on him to prove that he satisfies the requirements of the exemption being relied upon.
17. Any person who fails without reasonable excuse to comply with the requirements of this order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
18. A Fixed Penalty Notice may be issued to a person who a constable or authorised person has reason to believe has committed an offence in relation to this Order, offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
19. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

The Order shall come into operation on

and shall remain in place for a period of 3 years.

THE COMMON SEAL of the
CITY COUNCIL of BRISTOL
was hereunto affixed in
the presence of:-

Date